

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA**

**vs.**

**CASE NO. 3:99 CR 344-09 (JPG)**

**WANDA HERNANDEZ -ORTIZ**

\* \* \* \* \*

**MOTION NOTIFYING VIOLATIONS OF THE SUPERVISED  
RELEASE TERM AND REQUEST FOR THE ISSUANCE OF A SUMMONS**

**TO THE HONORABLE JUAN M. PEREZ-GIMENEZ  
SENIOR U.S. DISTRICT JUDGE  
DISTRICT OF PUERTO RICO**

COMES NOW, Luz Enid Aponte Ortiz, U.S. Probation Officer of this Honorable Court, presenting an official report upon the conduct of Wanda Hernandez-Ortiz, who was sentenced on December 18, 2000, to sixty (60) months of imprisonment followed by a supervised release term of four (4) years after having violated Title 21 Sections 846. Besides the standard conditions of the supervision term, Ms. Hernandez-Ortiz was ordered to participate in a substance abuse program if any drug test samples detect substance abuse and to submit to a psychiatric and/or psychological evaluation and treatment, if needed.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE  
AS FOLLOWS:**

On October 4, 2004 a first motion notifying violation to supervised release conditions was filed informing the Court of the offender's drug relapse, and requesting that she be permitted to participate of an ambulatory treatment program. On October 18, 2004 Your Honor granted our petition.

Since then, Ms. Wanda Hernandez-Ortiz has once again violated the following conditions of her supervision term:

**1. SPECIAL CONDITION- “THE DEFENDANT SHALL REFRAIN FROM THE UNLAWFUL USE OF CONTROLLED SUBSTANCES AND SUBMIT TO A DRUG TEST WITHIN FIFTEEN (15) DAYS OF BEING PLACED ON PROBATION. THEREAFTER, WHEN SO REQUESTED BY THE U. S. PROBATION OFFICER. IF ANY SUCH SAMPLES DETECT SUBSTANCE ABUSE, THE DEFENDANT SHALL, AT THE DISCRETION OF THE U.S. PROBATION OFFICER, PARTICIPATE IN A SUBSTANCE ABUSE TREATMENT PROGRAM, ARRANGED AND APPROVED BY THE U. S. PROBATION OFFICER, UNTIL DULY DISCHARGED BY AUTHORIZED PROGRAM PERSONNEL, WITH THE APPROVAL OF THE U.S. PROBATION OFFICER”.**

On April 25, 2007, the offender tested positive to cocaine. She was placed in a urine surveillance program but failed to comply with the same. On May 7, 2007, June 1 and 21, 2007, July 13 and 20, 2007, she was instructed to report to provide an urine sample but she failed to do so. On July 23, 2007, she admitted to the U.S. Probation Officer that she was currently using cocaine. In an effort to help the offender deal with her problem, she was referred to an outpatient substance abuse treatment program. She has been also participating in a mental health program as well. Despite the efforts of the U.S. Probation Officer, the offender continues using illegal substances.

**WHEREFORE,** I declare under penalty and perjury that the foregoing is true and correct. In view of the aforementioned, unless ruled otherwise, it is respectfully requested that a summons be issued so that the offender may be brought before this Court to show cause why her supervision term should not be revoked. Thereupon, she to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 1<sup>st</sup> day of August 2007.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF  
U.S. PROBATION OFFICER

s/Luz E. Aponte  
Luz E. Aponte  
U.S. Probation Officer  
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### **CERTIFICATE OF SERVICE**

I HEREBY certify that on August 1, 2007, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

José A. Ruíz-Santiago, Assistant United States Attorney and Luis R. Lugo-Emmanuelli, Esq.

In San Juan, Puerto Rico, this 1<sup>st</sup> day of August 2007.

s/Luz E. Aponte  
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LEA/

